

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, FEBRUARY 3, 2005
8:30 A.M.**

Commissioners Present: Larry Hudkins, Chair
Deb Schorr, Vice Chair
Bob Workman
Ray Stevens

Commissioners Absent: Bernie Heier

Others Present: Gwen Thorpe, Deputy Chief Administrative Officer
Kristy Mundt, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:31 a.m.

AGENDA ITEM

**1 APPROVAL OF THE STAFF MEETING MINUTES OF THURSDAY,
JANUARY 27, 2005**

MOTION: Stevens moved and Workman seconded approval of the Staff Meeting minutes of January 27, 2005. Stevens, Workman and Hudkins voted aye. Schorr was absent from voting. Motion carried.

2 ADDITIONS TO THE AGENDA

A. Paycheck Insert (Safety Newsletter) (Exhibit A)

MOTION: Stevens moved and Workman seconded approval of the addition to the agenda. Workman, Stevens and Hudkins voted aye. Schorr was absent from voting. Motion carried.

Schorr arrived at 8:35 a.m.

3 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant; Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates

Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates, presented a legislative update (Exhibit B).

Workman presented copies of the Nebraska Association of County Officials (NACO) legislative agenda (Exhibit C).

MOTION: Workman moved and Hudkins seconded to oppose LB 645 (Prohibit an agency or political subdivision of the state from providing certain telecommunications services). Workman and Hudkins voted aye. Schorr and Stevens voted no. Vote tied. Motion failed due to the lack of a majority.

Gordon Kissel, Legislative Consultant, said there are several bills that address telecommunications and the public power issue and said a resolution is being drafted that calls for an eighteen month study.

Hudkins asked how the County Assessor's Office views LB 676 (Exempt referees appointed by county boards of equalization from the Real Estate Appraiser Act).

Scott Gaines, Chief Administrative Deputy Assessor/Register of Deeds, appeared and said his office disagrees with the concept and has asked Tom Kubert, Referee Coordinator, to look at the bill.

Brief discussion also took place regarding the following:

- Action by the Revenue Committee to kill the gas tax bills (LB 155, LB 253, LB 456 and LB 555)
- LB 687 (Change distribution of inheritance tax revenue and change budget provisions)
- LB 521 (Provide for funding services for persons with developmental disabilities)
- LB 469 (Adopt the Public Guardianship Act)

4 A) COUNTY CHANGE OF ZONE NO. 04080, AGRICULTURAL (AG) TO INDUSTRIAL (I), CORNER OF HIGHWAY 2 AND HIGHWAY 43; AND B) COUNTY FINAL PLAT NO. 04134, MASEK'S 1ST ADDITION, NORTHWEST 27TH STREET AND MILL ROAD - Mike DeKalb, Planning Department

A) County Change of Zone No. 04080

Mike DeKalb, Planning Department, gave an overview of County Change of Zone No. 04080, a request for a change of zone from Agricultural (AG) to Industrial (I) on 28.56 acres on the northeast corner of Highway 2 and Highway 43 (South 162nd Street) to enable Capital Concrete Company to construct and operate a redi-mix concrete plant (Exhibit D). Staff recommended approval of the northern five to six acres needed for the plant. He said the change is not shown on the 2025 Comprehensive Plan map, but is shown in the Village of Bennet Comprehensive Plan and the Lincoln-Lancaster County Comprehensive Plan acknowledges town plans. The Planning Commission recommended approval of the northern 8.01 acres, more or less. Other conditions include paving the adjacent gravel county road to the entrance and noise controls. He said the applicant has agreed to the conditions (conditional zoning).

Larry Worrell, County Surveyor, appeared and said he has concerns regarding traffic from the north and suggested a reversal of the proposed plant traffic flow (two access points are planned).

DeKalb said the issue should be addressed at the public hearing.

Stevens questioned whether there is proper drainage, noting that the plant would lie in a low area.

DeKalb said there is no identified floodplain, but agreed that the ramp will need to be substantially built-up for the truck traffic.

Worrell asked that the applicant be required to submit plans for paving of 162nd Street as part of the conditions.

B) County Final Plat No. 04134

DeKalb gave an overview of County Final Plat No. 04134, Masek's 1st Addition, consisting of nine lots on approximately 101 acres southeast of the intersection of Northwest 27th Street and West Mill Road (Exhibit E).

- 5 **A) LAPTOP COMPUTER FOR DRUG COURT; AND B) USE OF CELL PHONES FOR ELECTRONIC MONITORING** - Kim Etherton, Community Corrections Director

A) Laptop Computer for Drug Court

Kim Etherton, Community Corrections Director, requested a laptop computer to allow the Drug Court Coordinator to enter and access information about participants during Drug Court proceedings (Exhibit F). She also requested one additional computer for Community Corrections (caseworkers are currently sharing a computer) (see Exhibit F). Funding of both items will be through the Community Corrections Budget (\$3,565.72).

MOTION: Stevens moved and Schorr seconded approval of both requests. Stevens, Workman, Schorr and Hudkins voted aye. Motion carried.

Etherton also distributed copies of Lancaster County Adult Drug Court: An Evaluation of the First Three Years (Exhibit G).

B) Use of Cell Phones for Electronic Monitoring

Etherton reported on the cost of providing telephone land lines versus cellular units for the electronic home detention monitoring program (see Exhibit F). She said land lines are the less expensive option and requested authorization to enter into an agreement with Alltel, on an as needed basis. Etherton said she can absorb the cost, estimated at \$10,000 annually, in her budget and will attempt to recoup at least the monthly cost from defendants.

MOTION: Schorr moved and Workman seconded to authorize land lines, up to a maximum of \$6,000, with Alltel or another provider, if a less expensive provider is identified. Schorr, Workman, Hudkins and Stevens voted aye. Motion carried.

ADMINISTRATIVE OFFICER REPORT

A. Concept Paper from Community Corrections for Community Health Endowment Grant

Etherton said the Community Health Endowment has grant opportunities available and Christine Salvatore, Drug Court Coordinator, has prepared a concept paper to obtain funds for the Drug Court Alumni Association (a \$3,800 one-year grant is requested for support of activities and to pay for graduation expenses).

Stevens suggested that Community Corrections also explore grants opportunities through local foundations.

6 AMUSEMENT LICENSES AND ZONING - Mike Merwick, Building & Safety Director; Dale Stertz, Building & Safety; Kristy Mundt, Deputy County Attorney; Mike DeKalb, Planning Department

Hudkins asked how the application for an amusement license to hold a country music festival in Walton, Nebraska differs from a religious musical festival that was held a couple of years ago. **NOTE:** The Board received a recommendation from Building and Safety indicating that the request for the amusement license would be in violation of the zoning regulations.

Dale Stertz, Building & Safety, said it does not appear to differ.

Mike Merwick, Building & Safety Director, said it is not a permitted use under Article 4, "AG" Agricultural District, of the Lancaster County Zoning Regulations (see Exhibit H) and said the simplest solution would be a text amendment.

Mike DeKalb, Planning Department, said his department's general approach is that regularly occurring events require a special permit and rare, occasional and incidental uses of the land fit under the accessory and incidental provisions. He said this can be clarified by adding language in Article 4 or in the definition of accessory in Article 2.

Stertz suggested, as an alternative, that an amusement license category be added to Section 4.005, Permitted Conditional Uses.

Kristy Mundt, Deputy County Attorney, said she favors that option.

Stertz said his department could change its interpretation of accessory uses, in the interim period, with direction from the County Board.

DeKalb asked whether the Board wants to restrict it to Agricultural (AG) zoning or include Agricultural Residential (AGR) zoning and Residential (R) zoning in the unincorporated villages.

Trish Owen, Chief Deputy County Clerk, suggested a limitation on the number of amusement licenses that can be taken out by a single entity within a year.

Mundt said the Lancaster County Guidelines for Obtaining an Amusement License for Public Events could be amended to include a limitation.

MOTION: Workman moved and Schorr seconded to direct the County Attorney's Office, in conjunction with the Planning Department and Building & Safety, to draft changes to Article 4, "AG" Agricultural District and/or Article 2, Definitions, of the Lancaster County Zoning Regulations.

DeKalb said follow-up will be needed on the City side.

The Board asked that discussion be scheduled on the City-County Common agenda.

ROLL CALL: Schorr, Workman, Stevens and Hudkins voted aye. Motion carried.

Board consensus was to: 1) Continue to gather information; and 2) Schedule action on an application for an amusement license from Cara Carney and Brad Bray to hold a country music festival on Saturday, August 13, and Sunday, August 14, 2005 at 15305 Van Dorn Street, Walton, Lancaster County, Nebraska on the February 15, 2005 Board of Commissioners Meeting agenda.

7 A) REQUEST FOR PROPOSALS (RFP) FOR HEALTH INSURANCE ADMINISTRATION; AND B) FLU SHOTS - Bill Kostner, City Risk Manager; Don Taute, Personnel Director; Bill Thoreson, Benefits Specialist; Daryl Bell, Milliman USA

A) Request for Proposals (RFP) for Health Insurance Administration

Don Taute, Personnel Director, said the City is considering going out for an Request for Proposals (RFP) for its health insurance carrier, which is United HealthCare. He noted that United HealthCare is the County's third-party administrator (the County's plan is self-insured) and asked whether the County would be interested in participating in the RFP.

MOTION: Schorr moved and Stevens seconded to authorize the Personnel Department to go out for an Request for Proposals (RFP) for health insurance administration. Stevens, Schorr, Workman and Hudkins voted aye. Motion carried.

B) Flu Shots

Bill Kostner, City Risk Manager, said blood chemistry profiles and flu shots were offered to county employees under the insured United HealthCare plan and suggested that the County consider paying these benefits as a self-insured group (see estimated costs in Exhibit I).

Hudkins said county employees who received flu shots at the Lincoln-Lancaster County Health Department after January 1, 2005 were assessed a charge and asked the Personnel Department to verify how many received free flu shots through the Health Department, prior to that date.

Daryl Bell, Milliman USA, said he included these costs when setting the budget for the self-insured health insurance fund and said, in terms of administration, it would be more efficient to pay the vendors directly.

MOTION: Schorr moved and Stevens seconded to include the blood chemistry profiles, (two times a year at an estimated cost of \$5,000 per year, and flu shots, at an estimated cost of \$7,500 per year, as benefits to county employees with funding from the self-insured health insurance fund. Stevens, Schorr, Workman and Hudkins voted aye. Motion carried.

8 A) HOMELAND SECURITY GRANT COMMITTEE; AND B) 2003 NEBRASKA STATE HOMELAND SECURITY GRANT PROGRAM FUNDS - Doug Ahlberg, Emergency Management Director

A) Homeland Security Grant Committee

Doug Ahlberg, Emergency Management Director, said he believes it would be appropriate to add a representative from the County Board and City Council to the Homeland Security Grant Committee. He suggested that Commissioner Workman serve as the County Board's representative.

B) 2003 Nebraska State Homeland Security Grant Program Funds

Ahlberg presented an application for participation in the Department of Homeland Security, Office of Domestic Preparedness, Emergency Management Performance Grant (EMPG) for Federal Fiscal Year 2005 (Exhibit J).

Ahlberg said the Nebraska Emergency Management Agency (NEMA) has reallocated unused 2003 Nebraska State Homeland Security Grant Program Funds and awarded Lancaster County an additional \$87,653 (Exhibit K). The funds will be used to pay for twenty-five digital handheld radios (10 for the County Sheriff's Office; 10 for the Lincoln Police Department; and 5 for the 911 Center's Critical Incident Management Team).

MOTION: Stevens moved and Workman seconded to authorize the Chair to sign the Emergency Management Performance Grant (EMPG) Local Agreement and Sub-Grant Award Agreement. Schorr, Stevens, Workman and Hudkins voted aye. Motion carried.

9 CRICKET COMMUNICATIONS, INC. BANKRUPTCY - Doug Cyr, Chief Administrative Deputy County Attorney; Terry Adams, Deputy County Treasurer

Doug Cyr, Chief Administrative Deputy County Attorney, gave an update on efforts to resolve the County's tax claim in the Cricket Communications, Inc. bankruptcy (taxes are due and owing for Years 2002, 2003 and 2004). He said Cricket has an outstanding objection to the County's initial claim, maintaining that personal property reported as subject to taxation included intangibles. Cyr said Cricket owes \$61,823.72 for 2002 and proposes to pay that amount over a three year period, with six semi-annual installments, or a lump sum payment of \$40,185.42. Cricket owes \$61,282.40 for 2003 and proposes to pay the full amount, less any accrued interest (lump sum payment). He said Cricket owes \$40,759.20 for 2004 and will pay the full amount, although it is not clear from the proposal when it will be paid. Cyr recommended that the Board authorize counsel to settle on the principal amounts and negotiate payment of additional interest.

The Board asked counsel to seek an accelerated payment schedule.

MOTION: Workman moved and Stevens seconded to proceed, as recommended, to settle on the principal amounts and negotiate payment of additional interest. Schorr, Workman, Stevens and Hudkins voted aye. Motion carried.

Cyr also reported on the status of District Court Case No. CI01-3747, Willet versus County of Lancaster (Exhibit L).

10 ACTION ITEMS

- A. Authorize Chair to Sign Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mother and Child Expansion Continuation Grant Application (Year 3 of 3) **NOTE:** A copy of the grant application is on file in the County Clerk's Office.

MOTION: Schorr moved and Workman seconded approval. Schorr, Stevens, Workman and Hudkins voted aye. Motion carried.

- B. Microcomputer Request, C#2005-023, \$3,565.72 from Community Corrections Budget for a Laptop Computer, PC, 17" Monitor, Nero Burning ROM CD-Burning Software, Etc.

See Item 5A.

- C. South 82nd Street Detour

Gwen Thorpe, Deputy Chief Administrative Officer, said the County Engineer needs an additional appropriation of \$20,000 for survey and grading of a two-mile section of the road.

The Board requested clarification of pavement type and whether postponement of the detour to upgrade to permanent asphalt would jeopardize other funding of the Hickman viaduct project.

Thorpe and Schorr phoned Thomas and reported that: 1) Pavement will be permanent asphalt; 2) Detour project will be delayed one year, but the County will not lose other funding for the Hickman viaduct project.

MOTION: Schorr moved and Workman seconded to authorize \$20,000 for the survey and grading.

Stevens questioned whether a decision was made that 82nd Street would be permanent asphalt and suggested further discussion with the County Engineer before making a final determination.

Thorpe said it was added after the public hearing on the One and Six Year Road and Bridge Improvement Program.

Board consensus was to schedule discussion with Don Thomas, County Engineer; and Roger Figard, City Engineer, on the February 24, 2005 Staff Meeting agenda and to notify Firth, Hickman and Norris of the discussion.

ROLL CALL: Schorr, Stevens, Workman and Hudkins voted aye. Motion carried.

11 ADMINISTRATIVE OFFICER REPORT

- A. Concept Paper from Community Corrections for Community Health Endowment Grant

Item moved forward on the agenda.

- B. Community Learning Centers

Schorr said the Community Learning Centers are looking at sustainability and funding options as their grant period ends and said representatives would like to meet with the Board, in groups of two, to discuss funding options.

- C. Public Hearing for Lodging Tax Increase

Board consensus was to schedule the setting of a public hearing on adoption of a resolution to impose an additional sales tax, not to exceed two percent, following the establishment of a County Visitors' Improvement Fund, pursuant to Nebraska Revised

Statute §81-1254(2) (Supp. 2003) on the February 8, 2005 Board of Commissioners Meeting agenda.

D. Staff Meeting (Tuesday, February 8, 2005)

The Board scheduled a Staff Meeting for 11:30 a.m. on Tuesday, February 8, 2005. A Staff Meeting will not be held on Thursday, February 10, 2005.

E. Claims for Review Policy

Thorpe presented proposed changes to the policy (Exhibit M).

The Board scheduled action on the February 8, 2005 Board of Commissioners Meeting agenda.

F. Meeting with Village Boards and Mayors

Agenda topics include: 1) Severe storms; 2) Amusement licenses; 3) Rural addressing; and 4) Roundtable discussion.

The Board asked that unincorporated entities be included and that notices be placed in the Waverly, Hickman and Crete newspapers.

G. Postponement of Joint Lincoln Public Schools (LPS)/City/County Meeting (Proposed New Date - Monday, March 7, 2005)

There was no objection to the new date.

H. Correspondence from Kawasaki Regarding Product Ride

Informational only.

I. Additional Information from Sinclair Hille & Associates Inc. Regarding Time Extension for McKinney Contract (County Vehicle Storage Facility)

MOTION: Workman moved and Schorr seconded to approve an extension of the contract to March 15, 2005. Schorr, Stevens, Workman and Hudkins voted aye. Motion carried.

12 DISCUSSION OF BOARD MEMBER MEETINGS

A. Lancaster Manor Advisory Committee - Heier

No report.

B. Families First & Foremost (F³) Conveners - Schorr

Schorr said the group discussed plans to move the Integrated Care Coordination Unit (ICCU) to Region V and asked that Sheryl Schrepf, Families First & Foremost (F³) Director, be scheduled on the February 24, 2005 Staff Meeting agenda to report on the transition.

C. Joint Budget Committee (JBC) - Workman, Stevens

Workman and Stevens reported on a pilot program that enables qualified low-income residents to purchase discounted StarTran and HandiVan bus tickets.

D. Nebraska Association of County Officials (NACO) Board Legislative Committee - Workman

See Item 3.

E. Lincoln-Lancaster County Ecological Advisory Committee (EAC) Heier

Hudkins reported that the Lower Platte South Natural Resources District (NRD) may be able to participate in a proposed motocross track east of the Abbott Sports Complex (7600 North 70th Street).

F. Lincoln Partnership for Economic Development (LPED) - Hudkins

Hudkins reported a presentation by Senator Landis and discussion of proposed changes to the Nebraska Investment Finance Authority (NIFA).

G. Monthly Meeting of County Board Chair/Vice Chair and Mayor - Hudkins, Schorr

Hudkins said discussion focused on the gas tax bills and local match for the State Fair.

13 EMERGENCY ITEMS AND OTHER BUSINESS

Schorr said interested parties met with representatives of the Nebraska Department of Health and Human Services (HHS) and Magellan, the Medicaid managed care company, to discuss the length of time it is taking to complete juvenile evaluations since the HHS Medicaid Division and Magellan assumed coordination and completion of the clinical portion of the evaluations. She said further discussion is scheduled.

RETURNING TO ITEM 3

Norm Agena, County Assessor/Register of Deeds, appeared and said LB 676 (Exempt referees appointed by county boards of equalization from the Real Estate Appraiser Act) is not a bill of concern.

ADDITIONS TO THE AGENDA

A. Paycheck Insert (Safety Newsletter) (Exhibit A)

MOTION: Workman moved and Schorr seconded approval. Schorr, Workman, Stevens and Hudkins voted aye. Motion carried.

14 ADJOURNMENT

MOTION: Schorr moved and Workman seconded to adjourn the meeting at 12:11 p.m. Schorr, Workman, Stevens and Heier voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk